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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 VICHAI VONGSVIRATES,

12 Plaintiff,

13 v.

14 RUSHMORE LOAN MANAGEMENT  
15 SERVICES,

16 Defendant.  
17  
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No. 1:21-cv-00012-NONE-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
ACTION FOR FAILURE TO STATE A  
CLAIM AND FAILURE TO COMPLY  
WITH COURT ORDER AND FAILURE TO  
PROSECUTE AND DIRECTING CLERK OF  
THE COURT TO RANDOMLY ASSIGN  
THIS MATTER TO A DISTRICT JUDGE  
AND CLOSE THE CASE

(Doc. Nos. 1, 4, 7)

19 Plaintiff Vichai Vongsvirates, proceeding *pro se* and *in forma pauperis*, filed this action  
20 on January 5, 2021, alleging various claims that appear to pertain to a mortgage on real property  
21 in Bakersfield, California. (Doc. No. 1.) The matter was referred to a United States Magistrate  
22 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23 On February 19, 2021, the assigned magistrate judge filed findings and  
24 recommendations, recommending that plaintiff's complaint be dismissed for failure to state a  
25 claim, and for failure to comply with a court order and failure to prosecute. (*Id.*) The findings  
26 and recommendations were served on plaintiff and contained notice that any objections to the  
27 findings and recommendations were to be filed within thirty days from the date of service. (*Id.*)  
28 The period for filing objections has passed and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the court agrees with the  
3 findings and recommendations that plaintiff has failed to state any valid claims under federal or  
4 state law and has failed to allege diversity jurisdiction. Plaintiff was afforded an opportunity to  
5 amend the complaint but has not filed an amended complaint. Therefore, dismissal is also  
6 warranted due to plaintiff's failure to obey a court order and failure to prosecute this action.

7 Accordingly,

- 8 1. The findings and recommendations, filed February 19, 2021 (Doc. No. 7), are  
9 adopted in full;
- 10 2. Plaintiff's complaint, filed January 4, 2021, is dismissed for failure to state a  
11 claim and for failure to comply with a court order and failure to prosecute; and
- 12 4. The Clerk of the Court is directed to randomly assign this matter to a district  
13 judge and close the case.

14 IT IS SO ORDERED.

15 Dated: May 11, 2021

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UNITED STATES DISTRICT JUDGE